

105TH CONGRESS  
1ST SESSION

# H.R. 2108

To dispose of certain Federal properties located in Dutch John, Utah, and to assist the local government in the interim delivery of basic services to the Dutch John community, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 8, 1997

Mr. CANNON introduced the following bill; which was referred to the  
Committee on Resources

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## A BILL

To dispose of certain Federal properties located in Dutch John, Utah, and to assist the local government in the interim delivery of basic services to the Dutch John community, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*

2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the

5 “Dutch John Federal Property Disposition and Assistance

6 Act of 1997”.

7 (b) **TABLE OF CONTENTS.**—The table of contents of

8 this Act is as follows:

Sec. 1. Short title; table of contents.

- Sec. 2. Findings and purposes.
- Sec. 3. Definitions.
- Sec. 4. Disposition of certain lands and properties.
- Sec. 5. Revocation of withdrawals.
- Sec. 6. Transfer of jurisdiction.
- Sec. 7. Surveys.
- Sec. 8. Planning.
- Sec. 9. Appraisals.
- Sec. 10. Disposal of properties.
- Sec. 11. Valid existing rights.
- Sec. 12. Cultural resources.
- Sec. 13. Transition of services to local government control.
- Sec. 14. Authorization of appropriations.

1 **SEC. 2. FINDINGS AND PURPOSES.**

2 (a) FINDINGS.—Congress finds that—

3 (1)(A) Dutch John, Utah, was founded by the  
 4 Secretary of the Interior in 1958 on Bureau of Rec-  
 5 lamation land as a community to house personnel,  
 6 administrative offices, and equipment for project  
 7 construction and operation of the Flaming Gorge  
 8 Dam and Reservoir as authorized by the Act of  
 9 April 11, 1956 (70 Stat. 105, chapter 203; 43  
 10 U.S.C. 620 et seq.); and

11 (B) permanent structures (including houses, ad-  
 12 ministrative offices, equipment storage and mainte-  
 13 nance buildings, and other public buildings and fa-  
 14 cilities) were constructed and continue to be owned  
 15 and maintained by the Secretary of the Interior;

16 (2)(A) Bureau of Reclamation land surrounding  
 17 the Flaming Gorge Reservoir (including the Dutch  
 18 John community) was included within the bound-  
 19 aries of the Flaming Gorge National Recreation

1 Area in 1968 under Public Law 90–540 (16 U.S.C.  
2 460v et seq.);

3 (B) Public Law 90–540 assigned responsibility  
4 for administration, protection, and development of  
5 the Flaming Gorge National Recreation Area to the  
6 Secretary of Agriculture and provided that lands and  
7 waters needed or used for the Colorado River Stor-  
8 age Project would continue to be administered by  
9 the Secretary of the Interior; and

10 (C) most structures within the Dutch John  
11 community (including the schools and public build-  
12 ings within the community) occupy lands adminis-  
13 tered by the Secretary of Agriculture;

14 (3)(A) the Secretary of Agriculture and the  
15 Secretary of the Interior are unnecessarily burdened  
16 with the cost of continuing to provide basic services  
17 and facilities and building maintenance and with the  
18 administrative costs of operating the Dutch John  
19 community; and

20 (B) certain structures and lands are no longer  
21 essential to management of the Colorado River Stor-  
22 age Project or to management of the Flaming Gorge  
23 National Recreation Area;

24 (4)(A) residents of the community are inter-  
25 ested in purchasing the homes they currently rent

1 from the Secretary of the Interior and the land on  
2 which the homes are located;

3 (B) Daggett County, Utah, is interested in re-  
4 ducing the financial burden the County experiences  
5 in providing local government support services to a  
6 community that produces little direct tax revenue be-  
7 cause of Federal ownership; and

8 (C) a withdrawal of the role of the Federal Gov-  
9 ernment in providing basic direct community serv-  
10 ices to Dutch John would require local government  
11 to provide the services at a substantial cost;

12 (5)(A) residents of the Dutch John community  
13 are interested in self-government of the community;  
14 and

15 (B) with growing demands for additional com-  
16 mercial recreation services for visitors to the Flam-  
17 ing Gorge National Recreation Area and Ashley Na-  
18 tional Forest, there are opportunities for private eco-  
19 nomic development, but few private lands are avail-  
20 able for the services; and

21 (6) the privatization and disposal to local gov-  
22 ernment of certain lands in and surrounding Dutch  
23 John would be in the public interest.

24 (b) PURPOSES.—The purposes of this Act are—

1           (1) to privatize certain lands in and surround-  
2           ing Dutch John, Utah;

3           (2) to transfer jurisdiction of certain Federal  
4           property between the Secretary of Agriculture and  
5           the Secretary of the Interior;

6           (3) to improve the Flaming Gorge National  
7           Recreation Area;

8           (4) to dispose of certain residential units, public  
9           buildings, and facilities;

10          (5) to provide interim financial assistance to  
11          local government to defray the cost of providing  
12          basic governmental services;

13          (6) to achieve efficiencies in operation of the  
14          Flaming Gorge Dam and Reservoir and the Flaming  
15          Gorge National Recreation Area;

16          (7) to reduce long-term Federal outlays; and

17          (8) to serve the interests of the residents of  
18          Dutch John and Daggett County, Utah, and the  
19          general public.

20 **SEC. 3. DEFINITIONS.**

21         In this Act:

22           (1) SECRETARY OF AGRICULTURE.—The term  
23           “Secretary of Agriculture” means the Secretary of  
24           Agriculture, acting through the Chief of the Forest  
25           Service.



1           (c) INFRASTRUCTURE FACILITIES AND LAND.—Ex-  
2 cept as provided in subsection (e), the Secretary of the  
3 Interior shall dispose of (in accordance with this Act) com-  
4 munity infrastructure facilities and land that have been  
5 determined to be available for transfer by the Secretary  
6 of the Interior, including the following:

7           (1) The fire station, sewer systems, sewage la-  
8 goons, water systems (except as provided in sub-  
9 section (e)(3)), old post office, electrical and natural  
10 gas distribution systems, hospital building, streets,  
11 street lighting, alleys, sidewalks, parks, and commu-  
12 nity buildings located within or serving Dutch John,  
13 including fixtures, equipment, land, easements,  
14 rights-of-way, or other property primarily used for  
15 the operation, maintenance, replacement, or repair  
16 of a facility referred to in this paragraph.

17           (2) The Dutch John Airport, comprising ap-  
18 proximately 25 acres, including runways, roads,  
19 rights-of-way, and appurtenances to the Airport,  
20 subject to such monitoring and remedial action by  
21 the United States as is necessary.

22           (3) The lands on which are located the Dutch  
23 John public schools, which comprise approximately  
24 10 acres.

1 (d) OTHER PROPERTIES AND FACILITIES.—The Sec-  
2 retary of Agriculture and the Secretary of the Interior  
3 shall dispose of (in accordance with this Act) the other  
4 properties and facilities that have been determined to be  
5 available for transfer or disposal by the Secretary of Agri-  
6 culture and the Secretary of the Interior, respectively, in-  
7 cluding the following:

8 (1) Certain residential units occupied on the  
9 date of enactment of this Act, as determined by the  
10 Secretary of the Interior.

11 (2) Certain residential units unoccupied on the  
12 date of enactment of this Act, as determined by the  
13 Secretary of the Interior.

14 (3) Lots within the Dutch John community  
15 that are occupied on the date of enactment of this  
16 Act by privately owned modular homes under lease  
17 agreements with the Secretary of the Interior.

18 (4) Unoccupied platted lots within the Dutch  
19 John community.

20 (5) The land, comprising approximately 3.8  
21 acres, on which is located the Church of Jesus  
22 Christ of Latter Day Saints, within Block 9, of the  
23 Dutch John community.

1           (6) The lands for which special use permits,  
2 easements, or rights-of-way for commercial uses  
3 have been issued by the Forest Service.

4           (7) The lands on which are located the offices,  
5 3 employee residences, warehouses, and facilities of  
6 the Utah Division of Wildlife Resources, as de-  
7 scribed in the survey required under section 7, in-  
8 cluding yards and land defined by fences in existence  
9 on the date of enactment of this Act.

10          (8) The Dutch John landfill site, subject to  
11 such monitoring and remedial action by the United  
12 States as is necessary, with responsibility for mon-  
13 itoring and remediation being shared by the Sec-  
14 retary of Agriculture and the Secretary of the Inte-  
15 rior proportionate to their historical use of the site.

16          (9) Such fixtures and furnishing in existence  
17 and in place on the date of enactment of this Act  
18 as are mutually determined by Daggett County, the  
19 Secretary of Agriculture, and the Secretary of the  
20 Interior to be necessary for the full use of properties  
21 or facilities disposed of under this Act.

22          (10) Such other properties or facilities at Dutch  
23 John that the Secretary of Agriculture or the Sec-  
24 retary of the Interior determines are not necessary  
25 to achieve the mission of the respective Secretary

1 and the disposal of which would be consistent with  
2 this Act.

3 (e) RETAINED PROPERTIES.—Except to the extent  
4 the following properties are determined by the Secretary  
5 of Agriculture or the Secretary of the Interior to be avail-  
6 able for disposal, the Secretary of Agriculture and the Sec-  
7 retary of the Interior shall retain for their respective use  
8 the following:

9 (1) All buildings and improvements located  
10 within the industrial complex of the Bureau of Rec-  
11 lamation, including the maintenance shop, 40 indus-  
12 trial garages, 2 warehouses, the equipment storage  
13 building, the flammable equipment storage building,  
14 the hazardous waste storage facility, and the prop-  
15 erty on which the buildings and improvements are  
16 located.

17 (2) 17 residences under the jurisdiction of the  
18 Secretary of the Interior and the Secretary of Agri-  
19 culture, of which—

20 (A) 15 residences shall remain under the  
21 jurisdiction of the Secretary of the Interior; and

22 (B) 2 residences shall remain under the ju-  
23 risdiction of the Secretary of Agriculture.

24 (3) The Dutch John water system raw water  
25 supply line and return line between the power plant

1 and the water treatment plant, pumps and pumping  
2 equipment, and any appurtenances and rights-of-way  
3 to the line and other facilities, with the retained fa-  
4 cilities to be operated and maintained by the United  
5 States with pumping costs and operation and main-  
6 tenance costs of the pumps to be included as a cost  
7 to Daggett County in a water service contract.

8 (4) The heliport and associated real estate, con-  
9 sisting of approximately 20 acres, which shall re-  
10 main under the jurisdiction of the Secretary of Agri-  
11 culture.

12 (5) The Forest Service warehouse complex and  
13 associated real estate, consisting of approximately 2  
14 acres, which shall remain under the jurisdiction of  
15 the Secretary of Agriculture.

16 (6) The Forest Service office complex and asso-  
17 ciated real estate, which shall remain under the ju-  
18 risdiction of the Secretary of Agriculture.

19 (7) The United States Post Office, pursuant to  
20 Forest Service Special Use Permit No. 1073, which  
21 shall be transferred to the jurisdiction of the United  
22 States Postal Service pursuant to section 6(d).

23 **SEC. 5. REVOCATION OF WITHDRAWALS.**

24 In the case of lands and properties transferred under  
25 section 4, effective on the date of transfer to the Secretary

1 of the Interior (if applicable) or conveyance by quitclaim  
2 deed out of Federal ownership, authorization for each of  
3 the following withdrawals is revoked:

4 (1) The Public Water Reserve No. 16, Utah  
5 No. 7, dated March 9, 1914.

6 (2) The Secretary of the Interior Order dated  
7 October 20, 1952.

8 (3) The Secretary of the Interior Order dated  
9 July 2, 1956, No. 71676.

10 (4) The Flaming Gorge National Recreation  
11 Area, dated October 1, 1968, established under Pub-  
12 lic Law 90-540 (16 U.S.C. 460v et seq.), as to  
13 lands described in section 4(b).

14 (5) The Dutch John Administrative Site, dated  
15 December 12, 1951 (PLO 769, U-0611).

16 **SEC. 6. TRANSFER OF JURISDICTION.**

17 (a) TRANSFERS FROM SECRETARY OF AGRICULTURE.—Except for properties retained under section  
18 CULTURE.—Except for properties retained under section  
19 4(e), all lands designated under section 4 for disposal shall  
20 be—

21 (1) transferred from the jurisdiction of the Sec-  
22 retary of Agriculture to the Secretary of the Interior  
23 and, if appropriate, the United States Postal Serv-  
24 ice; and

1           (2) removed from inclusion in the Ashley Na-  
2           tional Forest and the Flaming Gorge National  
3           Recreation Area.

4           (b) TRANSFERS FROM THE SECRETARY OF THE IN-  
5           TERIOR.—

6           (1) IN GENERAL.—The Secretary of the Inte-  
7           rior shall transfer to the Secretary of Agriculture  
8           administrative jurisdiction over certain lands and in-  
9           terests in land described in paragraph (2), contain-  
10          ing approximately 2,167 acres located in Duchesne  
11          and Wasatch Counties, Utah, acquired by the Sec-  
12          retary of the Interior for the Central Utah Project  
13          (and associated wildlife mitigation), and managed  
14          and developed for wildlife mitigation purposes by the  
15          Secretary of Agriculture under memoranda of agree-  
16          ment between the Secretary of Agriculture and the  
17          Secretary of the Interior.

18          (2) LAND DESCRIPTION.—The lands referred to  
19          in paragraph (1) are lands indicated on the maps  
20          generally depicting—

21                  (A) the Dutch John transfer of the Ashley  
22                  National Forest to the State of Utah, dated  
23                  February 1997;

1 (B) the Dutch John transfer of the Uinta  
2 National Forest to the State of Utah, dated  
3 February 1997;

4 (C) lands to be transferred to the Forest  
5 Service: Lower Stillwater Properties;

6 (D) lands to be transferred to the Forest  
7 Service: Red Hollow (Diamond Properties); and

8 (E) lands to be transferred to the Forest  
9 Service: Coal Mine Hollow (Current Creek Res-  
10ervoir).

11 (3) STATUS OF LANDS.—

12 (A) NATIONAL FORESTS.—The lands and  
13 interests in land transferred to the Secretary of  
14 Agriculture under paragraph (1) shall become  
15 part of the Ashley or Uinta National Forest, as  
16 appropriate. The Secretary of Agriculture shall  
17 adjust the boundaries of each of the National  
18 Forests to reflect the additional lands.

19 (B) MANAGEMENT.—The transferred lands  
20 shall—

21 (i) be managed in accordance with the  
22 Act of March 1, 1911 (commonly known as  
23 the “Weeks Law”) (36 Stat. 962, chapter  
24 186; 16 U.S.C. 515 et seq.) and other laws

1 (including rules and regulations) applicable  
2 to the National Forest System; and

3 (ii) continue to be managed and devel-  
4 oped for the benefit of wildlife mitigation  
5 in accordance with each memorandum of  
6 agreement applicable to each tract of the  
7 lands.

8 (C) ADJUSTMENT OF BOUNDARIES.—This  
9 paragraph does not limit the authority of the  
10 Secretary of Agriculture to adjust the bound-  
11 aries of the Ashley or Uinta National Forest  
12 pursuant to section 11 of the Act of March 1,  
13 1911 (commonly known as the “Weeks Law”)  
14 (36 Stat. 963, chapter 186; 16 U.S.C. 521).

15 (4) LAND AND WATER CONSERVATION FUND.—  
16 For the purposes of section 7 of the Land and  
17 Water Conservation Fund Act of 1965 (16 U.S.C.  
18 46019), the boundaries of the Ashley and Uinta Na-  
19 tional Forests, as adjusted under this section, shall  
20 be considered to be the boundaries of the Forests as  
21 of January 1, 1965.

22 (c) FEDERAL IMPROVEMENTS.—The Secretary of the  
23 Interior may transfer to the Secretary of Agriculture juris-  
24 diction over Federal improvements to the lands trans-  
25 ferred under subsection (b).

1 (d) TRANSFERS FROM THE SECRETARY OF AGRICULTURE.—The Secretary of Agriculture shall transfer to  
2 CULTURE.—The Secretary of Agriculture shall transfer to  
3 the United States Postal Service administrative jurisdiction over certain lands and interests in land subject to  
4 tion over certain lands and interests in land subject to  
5 Forest Service Special Use Permit No. 1073, containing  
6 approximately 0.34 acres.

7 (e) WITHDRAWALS.—Notwithstanding subsection  
8 (a), lands retained by the Federal Government under this  
9 Act shall continue to be withdrawn from mineral entry  
10 under the United States mining laws.

11 **SEC. 7. SURVEYS.**

12 The Secretary of the Interior shall survey or resurvey  
13 all or portions of the Dutch John community as necessary—  
14 essary—

15 (1) to accurately describe parcels identified  
16 under this Act for transfer among agencies, for Federal  
17 disposal, or for retention by the United States;  
18 and

19 (2) to facilitate future recordation of title.

20 **SEC. 8. PLANNING.**

21 The Secretary of Agriculture and the Secretary of the  
22 Interior shall—

23 (1) recognize as an indication of potential future  
24 land use the Daggett County Dutch John Community  
25 Plan, prepared in cooperation with the resi-

1 dents of Dutch John, the Secretary of Agriculture,  
2 and the Secretary of the Interior; and

3 (2) cooperate with Daggett County in ensuring  
4 that disposal processes are consistent with the Plan  
5 and this Act.

6 **SEC. 9. APPRAISALS.**

7 (a) REQUIREMENTS.—

8 (1) IN GENERAL.—Not later than 180 days  
9 after the date of enactment of this Act, the Sec-  
10 retary of the Interior shall conduct appraisals to de-  
11 termine the fair market value of properties des-  
12 ignated for disposal under paragraphs (1), (2), (3),  
13 (5), and (7) of section 4(d).

14 (2) UNOCCUPIED PLATTED LOTS.—Not later  
15 than 90 days after the date of receipt by the Sec-  
16 retary of the Interior from an eligible purchaser of  
17 a written notice of intent to purchase an unoccupied  
18 platted lot referred to in section 4(d)(4), the Sec-  
19 retary of the Interior shall conduct an appraisal of  
20 the lot.

21 (3) SPECIAL USE PERMITS.—

22 (A) IN GENERAL.—Not later than 90 days  
23 after the date of receipt by the Secretary of the  
24 Interior from a permit holder of a written no-  
25 tice of intent to purchase a property described

1 in section 10(g), the Secretary of the Interior  
2 shall conduct an appraisal of the property.

3 (B) IMPROVEMENTS AND ALTERNATIVE  
4 LAND.—An appraisal to carry out subparagraph  
5 (A) may include an appraisal of the value of  
6 permit holder improvements and alternative  
7 land in order to conduct an in-lieu land sale.

8 (4) OCCUPIED PARCELS.—In the case of an oc-  
9 cupied parcel, an appraisal under this subsection  
10 shall include an appraisal of the full fee value of the  
11 occupied lot or land parcel and the value of resi-  
12 dences, structures, facilities, and existing, in-place  
13 federally owned fixtures and furnishings necessary  
14 for full use of the property.

15 (5) UNOCCUPIED PARCELS.—In the case of an  
16 unoccupied parcel, an appraisal under this sub-  
17 section shall consider potential future uses of the  
18 parcel that are consistent with the Daggett County  
19 Dutch John Community Plan referred to in section  
20 8(1), the land use map of the Plan, and subsection  
21 (c).

22 (6) FUNDING.—Funds for appraisals conducted  
23 under this section shall be derived from the Upper  
24 Colorado River Basin Fund authorized by section 5

1 of the Act of April 11, 1956 (70 Stat. 107, chapter  
2 203; 43 U.S.C. 620d).

3 (b) REDUCTIONS FOR IMPROVEMENTS.—An ap-  
4 praisal of a residence or a structure or facility leased for  
5 private use under this section shall deduct the contribu-  
6 tory value of improvements made by the current occupant  
7 or lessee if the occupant or lessee provides reasonable evi-  
8 dence of expenditure of money or materials in making the  
9 improvements.

10 (c) CURRENT USE.—An appraisal under this section  
11 shall consider the current use of a property (including the  
12 use of housing as a community residence) and avoid uncer-  
13 tain speculation as to potential future use.

14 (d) REVIEW.—

15 (1) IN GENERAL.—The Secretary of the Inte-  
16 rior shall make an appraisal under this section avail-  
17 able for review by a current occupant or lessee.

18 (2) ADDITIONAL INFORMATION OR APPEAL.—

19 (A) IN GENERAL.—The current occupant  
20 or lessee may provide additional information, or  
21 appeal the findings of the appraisal in writing,  
22 to the Upper Colorado Regional Director of the  
23 Bureau of Reclamation.

24 (B) ACTION BY SECRETARY OF THE INTE-  
25 RIOR.—The Secretary of the Interior—

1 (i) shall consider the additional infor-  
2 mation or appeal; and

3 (ii) may conduct a second appraisal if  
4 the Secretary determines that a second ap-  
5 praisal is necessary.

6 (e) INSPECTION.—The Secretary of the Interior shall  
7 provide opportunities for other qualified, interested pur-  
8 chasers to inspect completed appraisals under this section.

9 **SEC. 10. DISPOSAL OF PROPERTIES.**

10 (a) CONVEYANCES.—

11 (1) PATENTS.—The Secretary of the Interior  
12 shall dispose of properties identified for disposal  
13 under section 4, other than properties retained  
14 under section 4(e), without regard to law governing  
15 patents.

16 (2) CONDITION AND LAND.—Except as other-  
17 wise provided in this Act, conveyance of a building,  
18 structure, or facility under this Act shall be in its  
19 current condition and shall include the land parcel  
20 on which the building, structure, or facility is situ-  
21 ated.

22 (3) FIXTURES AND FURNISHINGS.—An existing  
23 and in-place fixture or furnishing necessary for the  
24 full use of a property or facility under this Act shall  
25 be conveyed along with the property.

1 (4) MAINTENANCE.—

2 (A) BEFORE CONVEYANCE.—Before prop-  
3 erty is conveyed under this Act, the Secretary  
4 of the Interior shall ensure reasonable and pru-  
5 dent maintenance and proper care of the prop-  
6 erty.

7 (B) AFTER CONVEYANCE.—After property  
8 is conveyed to a recipient under this Act, the  
9 recipient shall be responsible for—

10 (i) maintenance and proper care of  
11 the property; and

12 (ii) any contamination of the property.

13 (b) INFRASTRUCTURE FACILITIES AND LAND.—In-  
14 frastructure facilities and land described in paragraphs  
15 (1) and (2) of section 4(c) shall be conveyed, without con-  
16 sideration, to Daggett County, Utah.

17 (c) SCHOOL.—The lands on which are located the  
18 Dutch John public schools described in section 4(c)(3)  
19 shall be conveyed, without consideration, to the Daggett  
20 County School District.

21 (d) UTAH DIVISION OF WILDLIFE RESOURCES.—  
22 Lands on which are located the offices, 3 employee resi-  
23 dences, warehouses, and facilities of the Utah Division of  
24 Wildlife Resources described in section 4(d)(7) shall be  
25 conveyed, without consideration, to the Division.

1 (e) RESIDENCES AND LOTS.—

2 (1) IN GENERAL.—

3 (A) FAIR MARKET VALUE.—A residence  
4 and occupied residential lot to be disposed of  
5 under this Act shall be sold for the appraised  
6 fair market value.

7 (B) NOTICE.—The Secretary of the Inte-  
8 rior shall provide local general public notice,  
9 and written notice to lessees and to current oc-  
10 cupants of residences and of occupied residen-  
11 tial lots for disposal, of the intent to sell prop-  
12 erties under this Act.

13 (2) PURCHASE OF RESIDENCES OR LOTS BY  
14 LESSEES.—

15 (A) IN GENERAL.—Subject to subpara-  
16 graph (B), the Secretary of the Interior shall  
17 provide a holder of a current lease from the  
18 Secretary for a residence to be sold under para-  
19 graph (1) or (2) of section 4(d) or for a resi-  
20 dential lot occupied by a privately owned dwell-  
21 ing described in section 4(d)(3) a period of 180  
22 days beginning on the date of the written notice  
23 of the Secretary of intent of the Secretary to  
24 sell the residence or lot, to execute a contract  
25 with the Secretary of the Interior to purchase

1 the residence or lot for the appraised fair mar-  
2 ket value.

3 (B) NOTICE OF INTENT TO PURCHASE.—  
4 To obtain the protection of subparagraph (A),  
5 the lessee shall, during the 30-day period begin-  
6 ning on the date of receipt of the notice re-  
7 ferred to in subparagraph (A), notify the Sec-  
8 retary in writing of the intent of the lessee to  
9 purchase the residence or lot.

10 (C) NO NOTICE OR PURCHASE CON-  
11 TRACT.—If no written notification of intent to  
12 purchase is received by the Secretary in accord-  
13 ance with subparagraph (B) or if a purchase  
14 contract has not been executed in accordance  
15 with subparagraph (A), the residence or lot  
16 shall become available for purchase by other  
17 persons under paragraph (3).

18 (3) PURCHASE OF RESIDENCES OR LOTS BY  
19 OTHER PERSONS.—

20 (A) ELIGIBILITY.—If a residence or lot be-  
21 comes available for purchase under paragraph  
22 (2)(C), the Secretary of the Interior shall make  
23 the residence or lot available for purchase by—

24 (i) a current authorized occupant of  
25 the residence to be sold;

1 (ii) a holder of a current reclamation  
2 lease for a residence within Dutch John;

3 (iii) an employee of the Bureau of  
4 Reclamation or the Forest Service cur-  
5 rently residing in Dutch John; or

6 (iv) an employee of another Federal  
7 agency supporting the mission of Dutch  
8 John who resides in Dutch John.

9 (B) PRIORITY.—

10 (i) SENIORITY.—Priority for purchase  
11 of properties available for purchase under  
12 this paragraph shall be by seniority of rec-  
13 lamation lease or residency in Dutch John.

14 (ii) PRIORITY LIST.—The Secretary of  
15 the Interior shall compile a priority list of  
16 eligible potential purchasers that is based  
17 on the length of continuous residency in  
18 Dutch John or the length of a continuous  
19 residence lease issued by the Bureau of  
20 Reclamation in Dutch John, with the high-  
21 est priority provided for purchasers with  
22 the longest continuous residency or lease.

23 (iii) INTERRUPTIONS.—If a continu-  
24 ous residency or lease was interrupted, the

1 Secretary shall consider only that most re-  
2 cent continuous residency or lease.

3 (iv) OTHER FACTORS.—In preparing  
4 the priority list, the Secretary shall not  
5 consider a factor (including agency employ-  
6 ment or position) other than the length of  
7 the current residency or lease.

8 (v) DISPUTES.—A potential purchaser  
9 may file a written appeal over a dispute in-  
10 volving eligibility or ranking on the priority  
11 list with the Secretary of the Interior, act-  
12 ing through the Upper Colorado Regional  
13 Director of the Bureau of Reclamation.  
14 The Secretary, acting through the Regional  
15 Director, shall consider the appeal and re-  
16 solve the dispute.

17 (C) NOTICE.—The Secretary of the Inte-  
18 rior shall provide general public notice and writ-  
19 ten notice by certified mail to eligible pur-  
20 chasers that specifies—

21 (i) properties available for purchase  
22 under this paragraph;

23 (ii) the appraised fair market value of  
24 the properties;

1 (iii) instructions for potential eligible  
2 purchasers; and

3 (iv) any purchase contract require-  
4 ments.

5 (D) NOTICE OF INTENT TO PURCHASE.—

6 An eligible purchaser under this paragraph  
7 shall have a period of 90 days after receipt of  
8 written notification to submit to the Secretary  
9 of the Interior a written notice of intent to pur-  
10 chase a specific available property at the listed  
11 appraised fair market value.

12 (E) NOTICE OF ELIGIBILITY OF HIGHEST

13 ELIGIBLE PURCHASER TO PURCHASE PROP-

14 erty.—The Secretary of the Interior shall pro-

15 vide notice to the potential purchaser with the

16 highest eligible purchaser priority for each

17 property that the purchaser will have the first

18 opportunity to execute a sales contract and pur-

19 chase the property.

20 (F) AVAILABILITY TO OTHER PURCHASERS

21 ON PRIORITY LIST.—If no purchase contract is

22 executed for a property by the highest priority

23 purchaser within the 180 days after receipt of

24 notice under subparagraph (E), the Secretary

1 of the Interior shall make the property available  
2 to other purchasers listed on the priority list.

3 (G) LIMITATION ON NUMBER OF PROP-  
4 ERTIES.—No household may purchase more  
5 than 1 residential property under this para-  
6 graph.

7 (4) RESIDUAL PROPERTY TO COUNTY.—If a  
8 residence or lot to be disposed of under this Act is  
9 not purchased in accordance with paragraph (2) or  
10 (3) within 2 years after providing the first notice of  
11 intent to sell under paragraph (1)(B), the Secretary  
12 of the Interior shall convey the residence or lot to  
13 Daggett County without consideration.

14 (5) ADVISORY COMMITTEE.—The Secretary of  
15 the Interior, acting through the Upper Colorado Re-  
16 gional Director of the Bureau of Reclamation, may  
17 appoint a nonfunded Advisory Committee comprised  
18 of 1 representative from each of the Bureau of Rec-  
19 lamation, Daggett County, and the Dutch John com-  
20 munity to review and provide advice to the Secretary  
21 on the resolution of disputes arising under this sub-  
22 section and subsection (f).

23 (6) FINANCING.—The Secretary of the Interior  
24 shall provide advice to potential purchasers under  
25 this subsection and subsection (f) in obtaining ap-

1 appropriate and reasonable financing for the purchase  
2 of a residence or lot.

3 (f) UNOCCUPIED PLATTED LOTS.—

4 (1) IN GENERAL.—Except as provided in para-  
5 graph (2), the Secretary of the Interior shall make  
6 an unoccupied platted lot described in section  
7 4(d)(4) available for sale to eligible purchasers for  
8 the appraised fair market value of the lot.

9 (2) CONVEYANCE FOR PUBLIC PURPOSE.—On  
10 request from Daggett County, the Secretary of the  
11 Interior may convey directly to the County without  
12 consideration a lot referred to in paragraph (1) that  
13 will be used for a public use purpose that is consist-  
14 ent with the Daggett County Dutch John Commu-  
15 nity Plan.

16 (3) ADMINISTRATION.—The procedures estab-  
17 lished under subsection (e) shall apply to this sub-  
18 section to the maximum extent practicable, as deter-  
19 mined by the Secretary of the Interior.

20 (4) LAND-USE DESIGNATION.—For each lot  
21 sold under this subsection, the Secretary of the Inte-  
22 rior shall include in the notice of intent to sell the  
23 lot provided under this subsection the land-use des-  
24 ignation of the lot established under the Daggett  
25 County Dutch John Community Plan.

1           (5) LIMITATION ON NUMBER OF LOTS.—No  
2 household may purchase more than 1 residential lot  
3 under this subsection.

4           (6) LIMITATION ON PURCHASE OF ADDITIONAL  
5 LOTS.—No household purchasing an existing resi-  
6 dence under this section may purchase an additional  
7 single home, residential lot.

8           (7) RESIDUAL LOTS TO COUNTY.—If a lot de-  
9 scribed in paragraph (1) is not purchased in accord-  
10 ance with paragraphs (1) through (6) within 2 years  
11 after providing the first notice of intent to sell under  
12 this subsection, the Secretary of the Interior shall  
13 convey the lot to Daggett County without consider-  
14 ation.

15 (g) SPECIAL USE PERMITS.—

16           (1) SALE.—Lands on which Forest Service spe-  
17 cial use permits are issued to holders numbered  
18 4054 and 9303, Ashley National Forest, comprising  
19 approximately 15.3 acres and 1 acre, respectively,  
20 may be sold at appraised fair market value to the  
21 holder of the permit.

22           (2) ADMINISTRATION OF PERMITS.—On trans-  
23 fer of jurisdiction of the land to the Secretary of the  
24 Interior pursuant to section 6, the Secretary of the

1 Interior shall administer the permits under the  
2 terms and conditions of the permits.

3 (3) NOTICE OF AVAILABILITY FOR PUR-  
4 CHASE.—The Secretary of the Interior shall notify  
5 the respective permit holders in writing of the avail-  
6 ability of the land for purchase.

7 (4) APPRAISALS.—The Secretary of the Interior  
8 shall not conduct an appraisal of the land unless the  
9 Secretary receives a written notice of intent to pur-  
10 chase the land within 2 years after providing notice  
11 under paragraph (3).

12 (5) ALTERNATIVE PARCELS.—On request by  
13 permit holder number 9303, the Secretary of the In-  
14 terior, in consultation with Daggett County, may—

15 (A) consider sale of a parcel within the  
16 Daggett County community of similar size and  
17 appraised value in lieu of the land under permit  
18 on the date of enactment of this Act; and

19 (B) provide the holder credit toward the  
20 purchase or other negotiated compensation for  
21 the appraised value of improvements of the per-  
22 mittee to land under permit on the date of en-  
23 actment of this Act.

24 (6) RESIDUAL LAND TO COUNTY.—If land de-  
25 scribed in paragraph (1) is not purchased in accord-

1       ance with paragraphs (1) through (5) within 2 years  
2       after providing the first notice of intent to sell under  
3       this subsection, the Secretary of the Interior shall  
4       convey the land to Daggett County without consider-  
5       ation.

6       (h) TRANSFERS TO COUNTY.—Other land occupied  
7       by authorization of a special use permit, easement, or  
8       right-of-way to be disposed of under this Act shall be  
9       transferred to Daggett County if the holder of the author-  
10      ization and the County, prior to transfer of the lands to  
11      the County—

12             (1) agree to and execute a legal document that  
13             grants the holder the rights and privileges provided  
14             in the existing authorization; or

15             (2) enter into another arrangement that is mu-  
16             tually satisfactory to the holder and the County.

17      (i) CHURCH LAND.—

18             (1) IN GENERAL.—The Secretary of the Inte-  
19             rior shall offer to sell land to be disposed of under  
20             this Act on which is located an established church to  
21             the parent entity of the church at the appraised fair  
22             market value.

23             (2) NOTICE.—The Secretary of the Interior  
24             shall notify the church in writing of the availability  
25             of the land for purchase.

1           (3) RESIDUAL LAND TO COUNTY.—If land de-  
2       scribed in paragraph (1) is not purchased in accord-  
3       ance with paragraphs (1) and (2) within 2 years  
4       after providing the first notice of intent to sell under  
5       this subsection, the Secretary of the Interior shall  
6       convey the land to Daggett County without consider-  
7       ation.

8           (j) RESIDUAL PROPERTIES TO COUNTY.—The Sec-  
9       retary of the Interior shall convey all lands, buildings, or  
10      facilities designated for disposal under this Act that are  
11      not conveyed in accordance with subsections (a) through  
12      (i) to Daggett County without consideration.

13          (k) WATER RIGHTS.—

14           (1) IN GENERAL.—Subject to the other provi-  
15      sions of this subsection, the Secretary of the Interior  
16      shall transfer all water rights the Secretary holds  
17      that are applicable to the Dutch John municipal  
18      water system to Daggett County.

19           (2) WATER SERVICE CONTRACT.—

20           (A) IN GENERAL.—Transfer of rights  
21      under paragraph (1) is contingent on Daggett  
22      County entering into a water service contract  
23      with the Secretary of the Interior covering pay-  
24      ment for and delivery of untreated water to  
25      Daggett County pursuant to the Act of April

1           11, 1956 (70 Stat. 105, chapter 203; 43 U.S.C.  
2           620 et seq.).

3           (B) DELIVERED WATER.—The contract  
4           shall require payment only for water actually  
5           delivered.

6           (3) EXISTING RIGHTS.—Existing rights for  
7           transfer to Daggett County under this subsection in-  
8           clude—

9           (A) Utah Water Right 41–2942 (A30557,  
10           Cert No. 5903) for 0.08 cubic feet per second  
11           from a water well; and

12           (B) Utah Water Right 41–3470  
13           (A30414b), an unapproved application to seg-  
14           regate 12,000 acre-feet per year of water from  
15           the original approved Flaming Gorge water  
16           right (41–2963) for municipal use in the town  
17           of Dutch John and surrounding areas.

18           (4) CULINARY WATER SUPPLIES.—The transfer  
19           of water rights under this subsection is conditioned  
20           on the agreement of Daggett County to provide cul-  
21           inary water supplies to Forest Service campgrounds  
22           served (on the date of enactment of this Act) by the  
23           water supply system and to Forest Service and Bu-  
24           reau of Reclamation facilities, at a rate equivalent to  
25           other similar uses.

1           (5) MAINTENANCE.—The Secretary of Agri-  
2           culture and the Secretary of the Interior shall be re-  
3           sponsible for maintenance of their respective water  
4           systems from the point of the distribution lines of  
5           the systems.

6           (l) SHORELINE ACCESS.—On receipt of an acceptable  
7           application, the Secretary of Agriculture shall consider is-  
8           suance of a special use permit affording Flaming Gorge  
9           Reservoir public shoreline access and use within the vicin-  
10          ity of Dutch John in conjunction with commercial visitor  
11          facilities provided and maintained under such a permit.

12          (m) REVENUES.—All revenues derived from the sale  
13          of properties as authorized by this Act shall temporarily  
14          be deposited in a segregated interest-bearing trust account  
15          in the Treasury with the moneys on hand in the account  
16          paid to Daggett County semiannually to be used by the  
17          County for purposes associated with the provision of gov-  
18          ernmental and community services to the Dutch John  
19          community.

20   **SEC. 11. VALID EXISTING RIGHTS.**

21          (a) AGREEMENTS.—

22                (1) IN GENERAL.—If any lease, permit, right-  
23                of-way, easement, or other valid existing right is ap-  
24                purtenant to land conveyed to Daggett County,  
25                Utah, under this Act, the County shall honor and

1 enforce the right through a legal agreement entered  
2 into by the County and the holder before the date  
3 of conveyance.

4 (2) EXTENSION OR TERMINATION.—The Coun-  
5 ty may extend or terminate an agreement under  
6 paragraph (1) at the end of the term of the agree-  
7 ment.

8 (b) USE OF REVENUES.—During such period as the  
9 County is enforcing a right described in subsection (a)(1)  
10 through a legal agreement between the County and the  
11 holder of the right under subsection (a), the County shall  
12 collect and retain any revenues due the Federal Govern-  
13 ment under the terms of the right.

14 (c) EXTINGUISHMENT OF RIGHTS.—If a right de-  
15 scribed in subsection (a)(1) with respect to certain land  
16 has been extinguished or otherwise protected, the County  
17 may dispose of the land.

18 **SEC. 12. CULTURAL RESOURCES.**

19 (a) MEMORANDA OF AGREEMENT.—Before transfer  
20 and disposal under this Act of any land that contains cul-  
21 tural resources and that may be eligible for listing on the  
22 National Register of Historic Places, the Secretary of Ag-  
23 riculture, in consultation with the Secretary of the Inte-  
24 rior, the Utah Historic Preservation Office, and Daggett  
25 County, Utah, shall prepare a memorandum of agreement,

1 for review and approval by the Utah Office of Historical  
2 Preservation and the Advisory Council on Historic Preser-  
3 vation established by title II of the National Historic Pres-  
4 ervation Act (16 U.S.C. 470i et seq.), that contains a  
5 strategy for protecting or mitigating adverse effects on  
6 cultural resources on the land.

7 (b) INTERIM PROTECTION.—Until such time as a  
8 memorandum of agreement has been approved, or until  
9 lands are disposed of under this Act, the Secretary of Ag-  
10 riculture shall provide clearance or protection for the re-  
11 sources.

12 (c) TRANSFER SUBJECT TO AGREEMENT.—On com-  
13 pletion of actions required under the memorandum of  
14 agreement for certain land, the Secretary of the Interior  
15 shall provide for the conveyance of the land to Daggett  
16 County, Utah, subject to the memorandum of agreement.

17 **SEC. 13. TRANSITION OF SERVICES TO LOCAL GOVERN-**  
18 **MENT CONTROL.**

19 (a) ASSISTANCE.—

20 (1) IN GENERAL.—The Secretary of the Inte-  
21 rior shall provide training and transitional operating  
22 assistance to personnel designated by Daggett Coun-  
23 ty, Utah, as successors to the operators for the Sec-  
24 retary of the infrastructure facilities described in  
25 section 4(c).

1           (2) DURATION OF TRAINING.—With respect to  
2           an infrastructure facility, training under paragraph  
3           (1) shall continue for such period as is necessary for  
4           the designated personnel to demonstrate reasonable  
5           capability to safely and efficiently operate the facil-  
6           ity, but not to exceed 2 years.

7           (3) CONTINUING ASSISTANCE.—The Secretary  
8           shall remain available to assist with resolving ques-  
9           tions about the original design and installation, op-  
10          erating and maintenance needs, or other aspects of  
11          the infrastructure facilities.

12          (b) TRANSITION COSTS.—For the purpose of defray-  
13          ing costs of transition in administration and provision of  
14          basic community services, an annual payment of \$300,000  
15          (as adjusted by the Secretary for changes in the Consumer  
16          Price Index for all-urban consumers published by the De-  
17          partment of Labor) shall be provided from the Upper Col-  
18          orado River Basin Fund authorized by section 5 of the  
19          Act of April 11, 1956 (70 Stat. 107, chapter 203; 43  
20          U.S.C. 620d), to Daggett County, Utah, or, in accordance  
21          with subsection (c), to Dutch John, Utah, for a period  
22          not to exceed 15 years beginning the first January 1 that  
23          occurs after the date of enactment of this Act.

24          (c) DIVISION OF PAYMENT.—If Dutch John becomes  
25          incorporated and become responsible for operating any of

1 the infrastructure facilities referred to in subsection (a)(1)  
2 or for providing other basic local governmental services,  
3 the payment amount for the year of incorporation and  
4 each following year shall be proportionately divided be-  
5 tween Daggett County and Dutch John based on the re-  
6 spective costs paid by each government for the previous  
7 year to provide the services.

8 (d) ELECTRIC POWER.—

9 (1) AVAILABILITY.—The United States shall  
10 make available electric power and associated energy  
11 from the Colorado River Storage Project for the  
12 Dutch John community.

13 (2) AMOUNT.—The amount of electric power  
14 and associated energy made available under para-  
15 graph (1) shall not exceed 1,000,000 kilowatt-hours  
16 per year.

17 (3) RATES.—The rates for power and associ-  
18 ated energy shall be the firm capacity and energy  
19 rates of the Salt Lake City Area/Integrated Projects.

20 **SEC. 14. AUTHORIZATION OF APPROPRIATIONS.**

21 (a) RESOURCE RECOVERY AND MITIGATION.—There  
22 are authorized to be appropriated to the Secretary of Agri-  
23 culture, out of nonpower revenues to the Federal Govern-  
24 ment from land transferred under this Act, such sums as  
25 are necessary to implement such habitat, sensitive re-

1 source, or cultural resource recovery, mitigation, or re-  
2 placement strategies as are developed with respect to land  
3 transferred under this Act, except that the strategies may  
4 not include acquisition of privately owned lands in Daggett  
5 County.

6 (b) OTHER SUMS.—In addition to sums made avail-  
7 able under subsection (a), there are authorized to be ap-  
8 propriated such sums as are necessary to carry out this  
9 Act.

○